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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,121	01/24/2000	Branko Kovacevic	0100.0000010	8119
34456	7590	11/30/2004	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			AN, SHAWN S	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/491,121	Applicant(s) KOVACEVIC ET AL.	
	Examiner Shawn S An	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 11, 12 and 25-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-10, 13-24 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. As per Applicant's instruction as filed on 7/16/04, claims 16, 33, and 34 have been amended.

Response to Reconsideration

2. Applicant's remarks filed on 7/16/04 have been fully considered but they are not persuasive. The Applicant presents arguments of which Maturi et al and Hoogenboom et al's references do not disclose or suggest:

A) the output of element 22 being a framer data based on transport stream data, or the output of element 22 being a data enable output node that provide a signal to indicate a valid data on the data output node;

B) enable output nodes for providing signals to indicate first or second type of framer data as recited in claims 1 and 13;

C) a transport parser means for analyzing a header of the data packet before a payload header is received as recited in claim 22;

D) the elements 32 and 40 being physically separate whereas claim 22 recited the first and second parser means are physically separate;

E) claims 23 and 24 limitations;

F) the adaptation field 86 does not represent a first set of data as understood from claim 33;

G) element 92 being a transport packet itself, therefore, it is not analogous to a second set of data in the header of a transport packet as recited in claim 33; and

H) providing a start indicator, analyzing at least a portion of the first N data blocks and enabling a second parser to receive the subsequent data block as recited in claim 16, and limitations of claims 17-19.

However, after careful scrutiny of the Maturi et al and Hoogenboom et al's references, the Examiner must respectively disagree, and maintain the grounds of rejection for the reasons that follow.

In response to the argument A), Maturi et al clearly discloses the output of element 22 being a framer data based on transport stream data (col. 5, lines 20-36), or the output of element 22 or element 36 being a data enable output node to provide signals such as video, audio, and parsing information to indicate a valid data (inherency, also emphasized) on the data output node (22) as clearly shown in Fig. 3, nodes, arrows.

In response to the argument B), Maturi et al clearly discloses enable output nodes (outputs 20, 24) for providing signals to indicate first (frame memory data, 20e) or second type of framer data (video data to 26), respectively, as recited in claims 1 and 13.

In response to the argument C), Hoogenboom et al clearly discloses a transport parser means (32) for analyzing a header of the data packet (Fig. 3, 82) before a payload header is received (inherently receives transmitted data packet header before the payload so as to properly parse the transport packets) (col. 6, lines 23-28) as recited in claim 22.

In response to the argument D), Hoogenboom et al clearly discloses the elements 32 and 40 being physically separate in a processor (20) whereas claim 22 recited the first and second parser means being physically separate as well.

In response to the argument E), Hoogenboom et al clearly discloses the first/second parser analyzing the header/payload header before a second byte of payload header/data is received (inherently receives a first byte of payload header/data first), respectively (col. 9, lines 23-38) as recited in claims 23 and 24.

In response to the arguments F and G), Hoogenboom et al clearly discloses parsing a first (Fig. 2C, 92) and a second set of data (Fig. 2b, 86) in the header of the TP using a field parser when the PES is a audio/video PCR PES,

respectively, wherein the second set includes more elements than the first set (first set, Fig. 2C, 92; second set, Fig. 2b, 86) as recited in claim 33.

Therefore, it is true that the adaptation field 86 does not represent a first set of data (audio) as stated by the Applicant. However, an audio adaptation field such as one shown in the video adaptation field as in Fig. 2b would inherently be included in the audio transport packets such as in B1, B2, and/or B3 (Fig. 2C).

Furthermore, it is also true that the element 92 is a transport packet itself, therefore, it is not analogous to a second (video) set of data in the header of a transport packet as stated by the Applicant. The Examiner's last office action stated that the second (video) set of data in the header of a transport packet is met by the element 86 as shown in Fig. 2b as recited in claim 33.

In response to the argument H), Hoogenboom et al clearly discloses providing a start indicator (col. 11, lines 11-18), analyzing at least a portion of the first N data blocks (video information, or pictures comprising macroblocks, which comprises blocks) (col. 6, lines 23-28; col. 11, lines 11-18), and enabling a second parser (Fig. 1, 40) to receive the subsequent data block (Fig. 1, 32 to 30 to 40; col. 9, lines 38-42) as recited in claim 16.

Furthermore, as per claims 17-18, Hoogenboom et al clearly discloses the first/second parsers (32, 40) being hardware parsers, respectively.

Moreover, as per claim 19, Hoogenboom et al clearly discloses the first/second parsers (32, 40) being modular and substantially separate from each other (see Fig. 1).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-10, 13-15 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Maturi et al (5,559,999) as previously discussed in the last office action filed on 4/9/2004.

5. Claims 22-24 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoogenboom et al (5,517,250) as previously discussed in the last office action filed on 4/9/2004.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoogenboom et al (5,517,250) in view of Ort (6,043,828) as previously discussed in the last office action filed on 4/9/2004.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

10. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SSA

Primary Patent Examiner

11/27/04